WP(C) 916/2006

BEFORE

THE HON'BLE MR. JUSTICE IA ANSARI

This writ petition relates to grant of financial assistance by the State Government to various schools, in the State of Assam, in respect of the financial year 2005-2006 and the learned counsel for the parties concerned agree that in the facts and circumstances of the present case, this writ petition can be, and needs to be, disposed of at this stage itself. This writ petition has, therefore, been taken up for final disposal.

Heard Mr. AS Choudhury, learned Senior counsel, for the petitioner, and Ms. N Barua, learned Standing Counsel, Education Department, Assam, appearing on behalf of the respondents.

By a letter, dated 12.12.2005, a select-list for providing financial assistance to various schools, in respect of the financial year 2005-2006, was prepared. This was followed by two more orders, passed on 24.02.2006 and 27.02.2006, whereby some other schools were also enlisted as schools, which would be provided financial assistance. Many of those schools, which had not been included in the said select-lists, felt aggrieved and have accordingly come to this Court by making applications under Article 226 of the Constitution of India.

By judgment and order, dated 22.05.2007, passed in WP(C) No. 4822/2006 (Kanaklata Girls M.E. School vs. State of Assam and Ors.) and a batch of other writ petitions, the Court has clarified the criteria and yardstick, which are to be applied for the purpose of making available financial assistance to the educational institutions. The observations made, guidelines issued and the directions given by the judgment and order, dated 22.05.2007, aforementioned have, admittedly, not been challenged and have, thus, attained finality. The present writ petition, therefore, needs to be disposed of in the light of what have been observed and directed by the Court in the judgment and order, dated 22.05.2007, aforementioned.

What is, now, of utmost importance to note is that this writ petition, an interim direction was passed restraining the State respondents from disbursing the financial assistance to the respondent Nos. 7 to 15, but in many other writ petitions, no such order of restraint was made.

Before any order with regard to the granting of financial assistance could be passed in this writ petition, the financial assistance, to many of the selected schools has already been disbursed. However, since disbursement of the financial assistance to the respondent Nos. 5 to 17, as selected schools, has been stopped by virtue of the interim order, passed in writ petition on 17-02-2006, it is clear that the guidelines issued for providing financial assistance to educational institutions, as given in Kanaklata Girls Schools (supra), will apply to the case of the present writ petition in respect of the financial year 2005-2006 too.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the cases of the present writ petitioners shall be considered by the State respondents, particularly, Commissioner & Secretary, Government of Assam, Education (Elementary) Department, Assam, in the light of the decision rendered in Kanaklata Girls M.E. School vs. State of Assam and Ors. (supra), in respect of the financial year 2005-2006 and appropriate order(s) shall be accordingly passed. Whatever decision is arrived at by the State respondents, as directed hereinbefore, or whatever order(s) are passed by the State respondents, as have been directed hereinbefore, shall be communicated, in writing, to the writ petitioner. If any of the petitioners feels aggrieved by the decision, which may be taken, or the directions, which may be passed, the petitioner concerned shall remain at liberty to take recourse to such provisions of law as may be permissible. The petitioners shall furnish to the respondents/authorities concerned a certified copy of this order along with copies of the writ petition and annexures thereto.

Furnish a copy of this order to Ms. N Barua, learned Standing counsel, Education Department, Assam.

With the above observations and directions, this writ petition shall sta

nd disposed of.

No order as to costs.